

§ 3745. Authorization of appropriations**(a) General authorization**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter.

(b) Funding source

The activities required under subchapter II of this chapter may only be funded from appropriations made pursuant to this chapter. To the greatest extent possible, such activities shall be coordinated with activities funded from other sources.

(Pub. L. 103-177, title III, § 305, Dec. 3, 1993, 107 Stat. 2023.)

§ 3746. Tribal immunity

Nothing in this chapter shall be construed to affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by Indian tribes.

(Pub. L. 103-177, title III, § 306, as added Pub. L. 103-435, § 12(b), Nov. 2, 1994, 108 Stat. 4572.)

CHAPTER 40—INDIAN DAMS SAFETY

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§ 3801. Findings

The Congress finds that—

(1) the Secretary of the Interior has identified 53 dams on Indian lands that present a threat to human life in the event of a failure;

(2) because of inadequate attention in the past to problems stemming from structural deficiencies and regular maintenance requirements for dams operated by the Bureau of Indian Affairs, unsafe Bureau dams continue to pose an imminent threat to people and property;

(3) many Bureau dams have maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property;

(4) safe working dams on Indian lands are necessary to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats; and

(5) it is necessary to institute a regular dam maintenance and repair program, utilizing the expertise in the Bureau, Indian tribes, and other Federal agencies.

(Pub. L. 103-302, § 2, Aug. 23, 1994, 108 Stat. 1560.)

SHORT TITLE

Section 1 of Pub. L. 103-302 provided that: “This Act [enacting this chapter] may be cited as the ‘Indian Dams Safety Act of 1994.’”

§ 3802. Definitions

As used in this chapter:

(1) The term “Bureau” means the Bureau of Indian Affairs.

(2) The term “dam” has the same meaning given such term by section 467 of title 33.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(Pub. L. 103-302, § 3, Aug. 23, 1994, 108 Stat. 1560; Pub. L. 104-303, title II, § 215(d), Oct. 12, 1996, 110 Stat. 3694.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

AMENDMENTS

1996—Par. (2). Pub. L. 104-303 made technical amendment to reference in original act which appears in text as reference to section 467 of title 33.

§ 3803. Dam Safety Maintenance and Repair Program**(a) Establishment**

The Secretary shall establish a dam safety maintenance and repair program within the Bureau to ensure maintenance and monitoring of the condition of each dam identified pursuant to subsection (e) of this section necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) Transfer of existing functions and personnel

All functions performed before August 23, 1994, pursuant to the Dam Safety Program established by the Secretary of the Interior by order dated February 28, 1980, and all Bureau of Indian Affairs personnel assigned to such program as of August 23, 1994, are hereby transferred to the Dam Safety Maintenance and Repair Program. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Dam Safety Program is deemed to be a reference to the Dam Safety Maintenance and Repair Program.

(c) Rehabilitation

Under the Dam Safety Maintenance and Repair Program, the Secretary shall perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (e) of this section to a satisfactory condition. In addition, each dam located on Indian lands shall be regularly maintained pursuant to the Dam Safety Maintenance and Repair Program established pursuant to subsection (a) of this section.

(d) Maintenance action plan

The Secretary shall develop a maintenance action plan, which shall include a prioritization of actions to be taken, for those dams with a risk hazard rating of high or significant as identified pursuant to subsection (e) of this section.